

**Washington State Department of Fish and Wildlife Hydraulic Project Approval Habitat  
Conservation Plan Project:  
Potentially Covered Activities List**

Revised December , 2006

In Washington State, activities that use, divert, obstruct, or change the bed<sup>1</sup> or flow of state waters require a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDFW). The purpose of the HPA program is to ensure that such activities are completed in a manner that prevents damage to public fish and shellfish resources and their habitats. Because several fish and aquatic species in the state are listed as threatened or endangered under the federal Endangered Species Act (ESA), many of the activities requiring an HPA may also require approvals from the National Oceanic and Atmospheric Administration Fisheries Service (NOAA Fisheries) and the U.S. Fish and Wildlife Service (USFWS). Such approvals can be in the form of an ESA Section 7 Incidental Take Statement or an ESA Section 10 Incidental Take Permit (ITP). As authorized in Section 10 of the ESA, ITPs may be issued for otherwise lawful activities that could result in “take” of ESA-listed species or their habitats. In this context, take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to attempt to engage in any such conduct.

To ensure that the HPA program complies with the ESA and to facilitate ESA compliance for citizens conducting work under the HPA authority, the WDFW is working toward development of a programmatic, multispecies Habitat Conservation Plan (HCP) to obtain an ITP from USFWS and NOAA Fisheries. Currently, WDFW is in the first year of what is expected to be a six-year project to develop an HCP. An HCP must outline the activities to be covered and the conservation measures for avoiding, minimizing, and mitigating, to the maximum extent practicable, the impact of the potential take of covered species.

One of the initial steps in developing an HCP is defining precisely what activities will be included for coverage. In the Habitat Conservation Planning Handbook, the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration Fisheries Service, know collectively as “the Services” provide guidance for activities to include in an HCP (USFWS and NOAA Fisheries 1996). The Services encourage HCP proponents to include all activities that:

- 1) may result in incidental take of listed species;
- 2) are reasonably certain to occur over the life of the HCP; and
- 3) for which the HCP proponent has some form of control.

The Services also encourage applicants to include as comprehensive a set of activities as is practicable, but the ultimate decision of what activities to include or exclude in the HCP is ultimately WDFW’s. As the HPA HCP project is in early development stages, WDFW has prepared an activities list that includes all activities that require an HPA. Evaluations of whether the activities may result in incidental take or whether that type of activity is

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<sup>1</sup> Bed is defined as the land below the ordinary high water line of the state waters, but does not include irrigation ditches, canals, stormwater runoff devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by humans.

reasonably certain to occur during the time span of the HCP, will be conducted as HCP development progresses. Therefore, this list may be altered throughout HCP development. Table 1 includes the preliminary list of covered activity types for the HPA HCP.

Activity Type	Examples
Aquaculture	Net pens, racks, and other facilities for rearing fish, shellfish, or seaweeds; also planting spawn or other propagation measures.
Aquatic plan control	Actions taken to control aquatic weeds such as hand tools, bottom barriers, weed rollers, dredging, diver-operated dredging, mechanical harvesters and cutters, rotovators. Does not include chemical controls.
Bank protection/stabilization	Permanent or temporary structures constructed parallel to and immediately adjacent to the shoreline or landward of the shoreline (i.e. bulkheads, retaining walls, etc).
Blasting	Use of explosives for construction related activities occurring below Ordinary High Water.
Boat and equipment access	Lifts, launches and ramps. A boatlift is a structure designed to remove or place a boat in water vertically. A boat ramp is a structure on the bed designed to allow boats to be launched from or loaded onto boat trailers. Includes barge landings.
Buoys	Floating markers secured to the bottom of the channel with anchors and anchor chains, and include navigation, marker, moorage buoys.
Channel modifications	Structures that modify the bed of the channel such as bed controls, regardless of reason for installation (e.g., dredging, groins, weirs). Weirs are structures that fully span the channel for purposes of bed control, but do not include use for Fish Passage or Bank Protection. This activity type does not include mineral prospecting, which has been separated into its own category.
Fish passage correction	Projects that correct or by pass an barrier. Includes fish ladders, culverts, weirs, trap and haul operations, tide gates, and roughened channels.
Fish traps	The setting of permanent or temporary traps for capturing fish (of any age or size) for any reason.
Fish screens	
Flow control structures	Structures to withdraw or direct the flow of water into or out of irrigation systems, hydro systems, domestic water systems, stormwater systems; or are for flood control. Include dams, dikes/levees, tide gates, diversion structures, water intakes, and outfalls.
Habitat modification	projects that benefit or harm habitat (e.g. wetland fill) or are mitigation for impacts to fish habitat. Habitats includes reaches (large project incorporating multiple habitat impacts or benefits), riparian, wetland, beaver dams, eelgrass, reefs, beaches, large woody material, breeding substrates, propagation (includes egg boxes and eggs), refuge areas, off or side channels, and in channel pools.
Logging	Felling logs, yarding logs, or suspended crossing for logs.
Marinas	Planned facilities that incorporate many individual components of over water structures, all supporting pilings, buoys, and boat access facilities.

Activity Type	Examples
Mineral prospecting	Prospecting and extraction of minerals below the Ordinary High Water mark. Includes the use of pans, sluice boxes, concentrators, rocker boxes, suction dredges, and highbankers.
Overwater structures and non-structural pilings	Docks, piers, floats, ramps, wharfs, ferry terminals and other structures that are supported above or float on the water. This includes all structural or supporting pilings and non-structural pilings (dolphins, power poles, transmission lines, conduits). This does not include structures associated with a Marina.
Scientific instruments	Stream gages, water samplers, sediment samplers which are permanently or temporarily installed or used to gather samples and data, and which have minimal impact of the aquatic environment.
Shoreline modifications	Permanent or temporary structures constructed perpendicular or nearly perpendicular to the shoreline and extend into the water. Include groins, jetties, breakwaters, bank barbs, and other structures which primary purpose is to modify or redirect stream flow or wave action.
Water crossing structures	Structures constructed to facilitate the movement of people, animals, or materials across water from bank to bank. Include bridges, culverts, fords, cable cars, tunnels, conduits (regardless of what the conduit is conducting), etc.